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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRAN, TUYETLIEN T	

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,200	NGUYEN ET AL.	
	Examiner	Art Unit	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/21/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. The original claims 1-37 are pending. The examination results are as follows.

Information Disclosure Statement

1. The examiner has considered the documents listed in forms PTO-1449 submitted with the Information Disclosure Statements (IDSs) received on 8/21/2003 (see the attached forms PTO-1449).

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "computer usable medium" or "computer-usable medium".

Claim Objections

3. Claim 25 is objected to because of the following informalities: "a image" in line 4 of the claim should be changed to "an image". Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. ***Claims 1, 13, and 25*** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 15, and 27 of copending Application No. 10/645,180, respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because despite the differences in wordings, both are directed to the same, indistinct invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6-9, 12-13, 18-21, 24-26, 31-34, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuli (Patent No US 6,941,382 B1; hereinafter Tuli).

As to claims 1 and 13, Tuli teaches:

A program product operable on a computer (e.g., see Fig. 1 and col. 1 lines 29-40), the program product comprising:

a computer-usable medium (e.g., internal memory of the host computer and palm top device, see col. 1 lines 29-40 and col. 2 lines 56-62);

wherein the computer usable medium comprises instructions comprising:

instructions for determining if the size of an image is larger than an allocated display area (e.g., see col. 2 lines 34-38);

responsive to a determination that the image is larger than the allocated display area, instructions for dividing the image into a plurality of fragments (e.g., the image 5 is divided into sections 7,8, 9, and 10 as shown in Fig. 3); and

instructions for displaying a web page with one of the fragments in the allocated display area (e.g., displaying section 7 in a display window 13, see Fig. 2; note that the users can interact with the displayed fragment like regular web page, see col. 3 lines 25-49).

As to claim 25, Tuli teaches:

A program product operable on a computer (e.g., see Fig. 1 and col. 1 lines 29-40), the program product comprising:

a computer-usable medium (e.g., internal memory of the host computer and palm top device, see col. 1 lines 29-40 and col. 2 lines 56-62);

wherein the computer usable medium comprises:

a image modification program (e.g., browser translator 4, see col. 2 lines 23-32); and

a navigation program (e.g., programs that causes other portions of the image to be displayed when the user scrolls up, downs, or sideways to these parts of the image, see col. 2 lines 54-67).

As to claim 26, Tuli further teaches wherein the image modification program (e.g., browser translator 4) further comprises:

instructions for determining if the size of an image is larger than an allocated display area (e.g., translating html images into raster images or color images, see col. 2 lines 23-32);

responsive to a determination that the image is larger than the allocated display area, instructions for dividing the image into a plurality of fragments (e.g., the image 5 is divided into section 7, 8, 9, and 10 as shown in Fig. 3); and

instructions for displaying a web page with one of the fragments in the allocated display area (e.g., displaying section 7 in a display window 13, see Fig. 2; note that the users can interact with the displayed fragment like regular web page, see col. 3 lines 25-49; further note that the actual execution of events such as the scrolling events to cause a section of an image to be displayed is realized in the virtual browser, see col. 1 lines 48-52 and that the translator also acts as a virtual browser 6, see col. 2 lines 33-36).

As to claims 6, 18, and 31, Tuli teaches further comprising calculating the number of x-axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 x-axis divisions).

As to claims 7, 19, and 32, Tuli teaches further comprising calculating the number of x-axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 y-axis divisions).

As to claims 8, 20, and 33, Tuli teaches further comprising:

determining if a user wants to navigate the image (e.g., see col. 2 lines 56-63); and

responsive to a determination that a user wants to navigate the image, running an navigation program (e.g., programs that causes other portions of the images to be displayed when the user scrolls up, downs, or sideways to these parts of the image, see col. 2 lines 54-67).

As to claims 9, 21, and 34, Tuli further teaches wherein the displaying step occurs on a hand held display device (e.g., the information is received by a palm top device 12 in Fig. 1 is then decompressed and displayed in its display window 13, see col. 2 lines 54-57).

As to claims 12, 24, and 37, Tuli teaches wherein the image is stored in an image file ending in gif, .jpg, or .bmp (e.g., see col. 4 lines 30-35).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3, 10-11, 15, 22-23, 28, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli.

As to claims 3, 15, and 28, Tuli teaches the limitations of claims 1, 13, and 26 for the same reasons as discussed with respect to claims 1, 13, and 26 above. Tuli does not expressly disclose that responsive to a determination that the image is not larger than the display screen, displaying the unmodified web page. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a function or step of responsive to a determination that the image is not larger than the display screen, displaying the unmodified image, in view of Tuli, because Tuli suggests to the skilled artisan that since web page images to be displayed in a browser window 6 are usually larger than the displayable area of the browser window 6, images are divided into smaller section (e.g., see col. 2 lines 34-47) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19); in other word, if an image is not larger than the display screen, displaying the unmodified image in order to avoid the process of translation, division, compression, and decompression; thus, to increase the speed of processing since the image is small

enough for quick data transfer, retrieval to and from the portable devices (e.g., see col. 1 lines 15-19 and col. 2 lines 18-47).

As to claims 10, 22, and 35, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. Tuli further teaches accessing the web page through a proxy (e.g., host computer 1 as shown in Fig. 1). Tuli fails to expressly teach that the proxy sends only one fragment to a hand held display device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of sending only one fragment to a hand held display device, in view of Tuli, because Tuli suggests to the skilled artisan that sections of a web page image are decompressed and displayed in the order of priority such that the priority section is decompressed and displayed first (e.g., see col. 2 lines 56-60) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19).

As to claims 11, 23, and 36, Tuli teaches the limitation of claims 10, 22, and 35 for the reasons as discussed with respect to claims 10, 22, and 35 above. Tuli further teaches requesting another fragment (e.g., see col. 2 lines 59-63). Tuli fails to expressly teach that the proxy sends another fragment to a hand held display device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of sending another fragment to a hand held display device, in view of Tuli, because Tuli suggests to the skilled artisan that other portions are sequentially decompressed and stored to be displayed later when the

user scrolls up, down, or sideways to these parts of the image (e.g., see col. 2 lines 59-63) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19).

10. Claims 2, 4, 14, 16, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli in view of Microsoft Internet Explorer (a captured image of a Google home page, hereinafter IE).

As to claims 2, 14, and 27, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. Tuli further teaches the fragment is displayed at the image's intended resolution (e.g., see Fig. 2). However, Tuli does not expressly teach that the web page is displayed at a reduced resolution. IE, though, teaches wherein the web page is displayed at a reduced resolution (e.g., see Google web page captured image; note that web page is displayed to fit the displayable area while only a fragment of the image 'Google' is shown).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of displaying a web page at a reduced resolution and displaying a fragment of an image at the image's intended resolution as taught by IE to the method and program of displaying a web page as taught by Tuli to be able to adjust the web page's resolution accordingly to fit the displayable area of a display device and still be able to provide a clear view of an images because a raster image cannot be stretched beyond its original pixel resolution without data loss.

As to claims 4, 16, and 29, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. However, Tuli does not expressly teach that determining if the web page contains the image; and responsive to a determination that the web page contains the image, performing the determining if the size of an image is larger than an allocated display area step. IE, though, teaches determining if the web page contains the image (e.g., Google home page with 'Google' image, see Google home page captured image); and responsive to a determination that the web page contains the image, performing the determining if the size of an image is larger than an allocated display area step (e.g., 'Google' image is larger than the displayable area as shown in Google home page captured image). Thus, combining Tuli and IE would meet the claimed limitation for the same reason as discussed in claims 2, 14, and 27 above.

11. Claims 5, 17, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli in view of Blumberg (Patent No US 6886034 B2, hereinafter Blumberg).

As to claims 5, 17, and 30, Tuli teaches the limitation of claims 1, 13, and 26 for the reasons as discussed with respect to claims 1, 13, and 26 above. However, Tuli does not expressly teach that determining if the web page contains the image; and responsive to a determination that the web page does not contain the image, displaying the unmodified web page. Blumberg, though, teaches determining if the web page (e.g., on-line documents, see col. 3 lines 26-28) contains the image (e.g., col. 3 lines 9-12); and responsive to a determination that the web page does not contain the image,

displaying the unmodified web page (e.g., transmit image-less document, see item 530 in Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of displaying an image-less document as taught by Blumberg to the method and program of displaying a web page as taught by Tuli because non-image elements such as text characters are scalable (e.g., see col. 1 lines 15-19) and such image-less documents are small files (e.g., see col. 1 lines 34-37); therefore, displaying an unmodified web page that does not contain the image without going through the process of division, converting from one format to another to speed up the processing time, data transfer and retrieval to and from the portable devices.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
12/01/2006

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Examiner
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PRIMARY EXAMINER